



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

August 1, 2022

Re: FOIA Request NLRB-2022-001496

Dear Keren Wheeler (United Steelworkers):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on July 7, 2022, in which you seek the Certification of Representative issued in *The Kelly-Springfield Tire Company*, Case No. 11-RC-3557. You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on July 7, 2022.

A search was conducted in the Agency's electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present. This search did not locate any responsive records.

Pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Notwithstanding the age of the requested case, a further search inquiry was directed to the Agency's Subregion 11 field office to conduct a manual search of its local files to determine if any paper records existed. Staff in that office conducted a search and located the requested Certification of Representative, which is attached. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Forty-five minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$27.75.

To pay by check or money order (do not send cash), please send your payment - with the FOIA case number(s) written on the check or money order - and mail it to the NLRB FOIA Branch, 1015 Half Street SE, 4th Floor, Washington, DC 20570. Please make the check payable to the National Labor Relations Board. To pay by credit or debit card, please go to www.pay.gov. **Note the FOIA case number(s) on your check or electronic payment to ensure that your payment will be properly credited.

You may contact Marissa Wagner, the FOIA Attorney-Advisor who processed your request, at (202) 273-2957 or by email at marissa.wagner@nrlrb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

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You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (One page)